

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sebastian Torero	Team: Squad #1	CCRB Case #: 202005832	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) NA, __/__/2020 6:00 PM	Location of Incident: [REDACTED]	Precinct: 84	18 Mo. SOL 7/1/2021	EO SOL 2/15/2022	
Date/Time CV Reported Tue, 08/25/2020 1:17 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 08/25/2020 1:17 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Thomas Ruggiero	13580	931111	084 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Tiagom Reis	28926	967286	084 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Thomas Ruggiero	Discourtesy: Police Officer Thomas Ruggiero spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Thomas Ruggiero	Abuse: Police Officer Thomas Ruggiero threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

§ 87(2)(b) filed this complaint with the CCRB via telephone on August 25, 2020.

On an undetermined date, § 87(2)(b) had a dispute with another resident in his apartment building, located at § 87(2)(b) in Brooklyn. Approximately three or four hours after this dispute, Police Officer Thomas Ruggiero, of the 84th Precinct, arrived at the building and approached § 87(2)(b). After § 87(2)(b) told PO Ruggiero several times that he no longer needed his assistance, PO Ruggiero told § 87(2)(b) “Stop calling us with this bullshit. If you keep calling us, you're gonna go to jail.” (**Allegation A: Discourtesy, and Allegation B: Abuse of Authority,** § 87(2)(g))

The investigation could not obtain any surveillance footage of this incident because security footage from the location was not saved for longer than 30 days, and § 87(2)(b) filed this complaint approximately six months after the incident. The investigation requested, but did not receive, footage from PO Ruggiero or PO Tiagom Reis. In addition to an unconfirmed date of incident, because this incident allegedly took place when PO Ruggiero and PO Reis were following up on an already-resolved dispute, they were not mandated to turn on their body-worn cameras under NYPD Patrol Guide Procedure 212-123(4) (Board Review 01).

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Thomas Ruggiero spoke discourteously to § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Thomas Ruggiero threatened to arrest § 87(2)(b)

It is disputed whether PO Ruggiero told § 87(2)(b) to stop calling police with “bullshit” and that he would go to jail if he continued to call police.

§ 87(2)(b) testified that in late February or early March of 2020, more likely the former, he got into a dispute with another resident of his apartment building, § 87(2)(b). § 87(2)(b) did not know § 87(2)(b) first name. Police responded to this dispute and told § 87(2)(b) to stay away from § 87(2)(b). Approximately three or four hours later, § 87(2)(b) was in the television room, located right behind the building’s front desk, watching the news. § 87(2)(b) stated that there are always two security guards at the front desk, but he did not recall which security guards were on duty at the time, and that there were a couple other people in the television room, but he did not recall who. At that time, PO Ruggiero, a “community affairs officer,” and his partner, PO Sy, entered the television room. PO Ruggiero asked § 87(2)(b) three times what had happened, and § 87(2)(b) repeatedly told PO Ruggiero that the situation had been rectified and PO Ruggiero’s services were not needed. PO Ruggiero then said, “You know what, go to Hell, stop calling the police, stop calling 911, leave us alone, and do me a favor, go play in traffic” (Board Review 02). In a phone conversation following up on his testimony, § 87(2)(b) stated that PO Ruggiero also told him, “Stop calling us with this bullshit. If you keep calling us, you're gonna go to jail.” When § 87(2)(b) asked why he would go to jail, PO Ruggiero responded, “Because these are fake police calls” (Board Review 03). In his initial complaint to the CCRB, § 87(2)(b) also stated that PO Ruggiero told him to stop calling 911 about “bullshit.”

When he first filed his complaint with the CCRB, § 87(2)(b) stated that the incident with PO Ruggiero occurred a few days after another incident involving police officers that occurred on August 6, 2020. However, when § 87(2)(b) provided testimony to the CCRB, he stated that he misspoke when filing the complaint, and that the incident with PO Ruggiero occurred prior to August 6, 2020, and that the incident most likely occurred in late February, possibly in early March, and prior to the COVID-19 pandemic (Board Review 02). In a phone conversation following up on his CCRB interview, § 87(2)(b) stated that this incident took place between 5:00 PM and 7:00 PM (Board Review 04). The investigation obtained an event summary of jobs at § 87(2)(b) for the month of February

2020 and found that there were five incidents that took place within or in close proximity to the timeframe provided by § 87(2)(b) (Board Review 05). The investigation received event documents for these five incidents, and one, which occurred on February 29, 2020, was in regards to two males fighting and involved § 87(2)(b) (Board Review 06). The investigation also received audio of the 911 call § 87(2)(b) made regarding this dispute. In this call § 87(2)(b) states that there are males arguing and one will possibly get violent, but he does not name anyone but himself (Board Review 07). The investigation also received an incident report from the § 87(2)(b) at § 87(2)(b) stating that on February 29, 2020, § 87(2)(b) intervened in a dispute between two men in the television room and called 911 at approximately 5:27 PM. PO Maxim Maloshag and PO Craig Schoelermann responded, told the residents to act like gentlemen, and left (Board Review 08).

PO Ruggiero testified that he is the Neighborhood Coordinating Officer (NCO) for Sector D within the confines of the 84th Precinct. PO Ruggiero knew the § 87(2)(b), located at § 87(2)(b) because he is often called there to handle disputes between residents and has a relationship with the residence's management. Residents at this building often get into arguments about the television in the community room, and PO Ruggiero stated that if he responds to more minor disputes, he might come to the building later in the day or the following day to speak to the residents involved. When he follows up on a dispute, PO Ruggiero always notifies dispatch that he has arrived at that location, and always makes a note in his memo book. PO Ruggiero also testified that he was familiar with § 87(2)(b) and that § 87(2)(b) has been involved in many disputes at the § 87(2)(b) § 87(2)(b) including disputes over television. PO Ruggiero was on duty on February 29, 2020 but did not recall an incident at § 87(2)(b) involving § 87(2)(b) and had no memo book entries from that day stating that he responded to that address. PO Ruggiero stated that PO Schoelermann and PO Maloshag are frequently assigned to Sector D and respond to incidents at § 87(2)(b) as well, but he did not recall any interactions with these officers following any incidents at that building on February 29, 2020. PO Ruggiero stated that he had spoken with § 87(2)(b) about false reports but did not recall any such conversation occurring on February 29, 2020, and denied telling § 87(2)(b) "If you keep calling us, you're gonna go to jail." PO Ruggiero denied telling § 87(2)(b) to "stop calling us with this bullshit," and to "go play in traffic" (Board Review 09-10).

PO Reis testified that on February 29, 2020, he worked overtime from 3:40 PM to 9:15 PM as an NCO in Sector D within the confines of the 84th Precinct with PO Ruggiero. PO Reis worked overtime with PO Ruggiero to fill in for PO Ruggiero's usual partner, PO Rikki Sy, who was on vacation. PO Reis testified that he is not typically assigned to be an NCO. — PO Sy's memo book entries from February 29, 2020, show that he was off that day (Board Review 11-12). -- PO Reis was familiar with § 87(2)(b) and § 87(2)(b) having responded to the address and dealt with § 87(2)(b) numerous times in the past. PO Reis did not have any recollection of any incidents involving § 87(2)(b) at § 87(2)(b) on February 29, 2020, and he had no memo book entries regarding any incidents at that address from that day. PO Reis did not recall PO Ruggiero telling § 87(2)(b) "Stop calling with this bullshit," and threatening to arrest § 87(2)(b) for fake police calls. PO Reis did not recall following up on an incident at § 87(2)(b) on February 29, 2020, after PO Maloshag and PO Schoelermann had responded to a dispute at that address (Board Review 11, 13).

The investigation made numerous requests for body-worn camera footage but did not receive any footage from PO Ruggiero, PO Reis, PO Maloshag, or PO Schoelermann. The investigation did not obtain any security camera footage from the residence because footage from the security cameras is deleted after 30 days. In the incident report provided by the § 87(2)(b), the names of any security guards involved are not included, and the facility redacted the names of the other residents involved in a dispute with § 87(2)(b) on February 29, 2020. The director of the residence at the time, § 87(2)(b) did have a report of any incidents involving § 87(2)(b) and § 87(2)(b) that

occurred in February of 2020.

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

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- PO Thomas Ruggiero has been a member-of-service for 18 years and has been a subject in six CCRB complaints and 10 allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On April 21, 2021, the investigation submitted a FOIL request to the New York City Office of the Comptroller for any Notices of Claim that § 87(2)(b) filed in regards to this incident. Any response will be added to the case file upon receipt (Board Review 16).
- § 87(2)(b)

Squad No.: 1

Investigator: Sebastian Torero Inv. Sebastian Torero 4/22/2021
Signature Print Title & Name Date

Squad Leader: Mgr. Joy Almeyda 4.22.21
Signature Print Title & Name Date

Reviewer:
Signature Print Title & Name Date